UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

PAUL DAVIS RESTORATION, INC.,

Plaintiff,

v. Case No. 1:14-CV-1534

MATTHEW L. EVERETT, RENEE EVERETT, EA GREEN BAY, LLC, F/D/B/A BUILDING WERKS, F/D/B/A PAUL DAVIS RESTORATION OF NORTHEAST WISCONSIN, and EA RESTORATION, LLC, F/D/B/A PAUL DAVIS RESTORATION OF FOX VALLEY, C/D/B/A CERTIFIED PROFESSIONAL RESTORATION,

Defendants.

PAUL DAVIS RESTORATION, INC.'S MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff, Paul Davis Restoration, Inc. ("PDRI"), by its attorneys, hereby moves, pursuant to Fed. R. Civ. P. 65(b) for entry of a Temporary Restraining Order against Defendants Matthew L. Everett ("Mr. Everett"), Renee Everett ("Mrs. Everett"), EA Green Bay LLC, f/d/b/a Building Werks, f/d/b/a Paul Davis Restoration of Northeast Wisconsin ("EAGB"), and EA Restoration, LLC, f/d/b/a Paul Davis Restoration of Fox Valley, c/d/b/a Certified Professional Restoration ("EA Restoration") (collectively, "Defendants"), with respect to Defendants' radio advertisements claiming to be a "business advisory" in which Defendants hold themselves out as affiliated with or sponsored by "Paul Davis Restoration of NOWI" and purport to advise the public that PDRI is violating Wisconsin's fair dealership laws and other state statutes. PDRI requests a hearing date of Wednesday, December 10, 2014 or as soon as possible thereafter. In support of this Motion, PDRI states:

1. As set forth in PDRI's Motion for Preliminary Injunction and supporting documents filed herewith, PDRI may have already suffered and certainly will suffer substantial irreparable harm to it and its reputation as a result of Defendants' calculated false advertising and trademark infringing campaign designed to harm PDRI's reputation in Wisconsin and to negatively affect, destroy or disrupt PDRI's business.

2. Allowing Defendants to continue their false advertising and infringing campaign and other unlawful activities will cause immediate and irreparable harm to PDRI.

3. PDRI has taken the following steps to present and set a hearing for its Motion for Temporary Restraining Order, and notify Defendants thereof:

a. Upon first learning of the existence of the radio advertisement at issue on Thursday, December 4, 2014, PDRI contacted its counsel.

b. On the afternoon of Thursday, December 4, 2014, Counsel for PDRI sent what it believed to be counsel for one or more of the Defendants, a cease and desist e-mail detailing the false advertising and other unlawful activity and to advise their clients to cease and desist. Counsel also requested that if they were not counsel, that to please advise, as PDRI would seek expedited injunctive relief in the coming days.

c. On Friday, December 5, 2014, Counsel for PDRI forwarded the same cease and desist e-mail to an additiona; counsel known to represent one or more Defendants.

d. On Monday, December 8, 2014, Counsel for PDRI contacted Judge Greisbach's clerk to request the Court's preferred next action pursuant to Judge Greisbach's Preferred Procedures.

e. On Tuesday, December 9, 2014, Counsel for PDRI filed and served Defendants and their counsel with the Summons, Complaint, Motion for Preliminary Injunction and supporting papers, a Motion for Expedited Discovery with supporting papers, and this Motion for Temporary Restraining Order.

f. As of the filing of this Motion on Tuesday, December 9, 2014, Defendants have been placed on notice that PDRI is seeking a Temporary Restraining Order and Preliminary Injunction, and PDRI will notify Defendants upon the Court's setting of a hearing date on PDRI's Motion for Temporary Restraining Order and Motion for Preliminary Injunction.

4. PDRI respectfully requests a hearing on Wednesday, December 10, 2014, or as soon as possible thereafter, in order to prevent any further and future damage from Defendants' unlawful actions.

WHEREFORE, PDRI respectfully request that this Court schedule a hearing on this Motion and PDRI's Motion for Preliminary Injunction on Wednesday, December 10, 2014, or as soon as possible thereafter, and enter a temporary restraining order against Defendants and their officers, directors, shareholders, employees, attorneys, accountants, assigns, corporate parents, subsidiaries, divisions, affiliates, predecessors, agents, representatives, or other persons or entities acting on their behalf or under their control stating that:

1. Defendants, their agents or anyone else working with or on behalf of the Defendants, are temporarily enjoined and restrained, directly or indirectly, and whether alone or in concert with other from using, reproducing, disseminating, broadcasting, and/or distributing the radio advertisement (in transcribed form) attached to this Order in any type of format or media, as well as any other advertisement, brochure, pamphlet, marketing piece, or similar making the same or similar false and misleading representations of fact.

2. Defendants, their agents or anyone else working with or on behalf of the Defendants, are temporarily enjoined and restrained, directly or indirectly, and whether alone or in concert with other from using PDRI's trademarks, including PAUL DAVIS and PD PAUL DAVIS RESTORATION, or similar trademarks and trade names, including "Paul Davis Restoration of NOWI," in Defendants' advertisements, brochures, pamphlets, marketing pieces, or similar that falsely or misleadingly associate PDRI with Defendants' or alleged misconduct.

Dated: December 9, 2014

QUARLES & BRADY LLP

/s/ Johanna M. Wilbert
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